IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 16967 of 2005(T)

PETITIONER:

THAYYIL AHAMMAD MUSTAFA,
S/O. MUHAMMAD HAJI, 18/651, MYTHRI NAGAR,
PALAKKAD-678 001.

BY ADV. SRI.G.MOHAN

RESPONDENTS:

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1. KERALA FINANCIAL CORPORATION,
REP. BY ITS MANAGING DIRECTOR, VELLAYAMBALAM,
THIRUVANANTHAPURAM.

2. CHIEF MANAGER,
KERALA FINANCIAL CORPORATION, DISTRICT OFFICE,
1ST FLOOR CENTURY COMPLEX, MATHA KAVIL STREET,
SULTHANPET, PALAKKAD-678 001.

BY ADV. SRI.T.V.GEORGE, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE STATEMENT OF ACCOUNTS IN RESPECT OF LOAN NO. 080162610

EXT.P2 TRUE COPY OF DO.DO. LOAN NO. 080162612

EXT.P3 TRUE COPY OF DO.DO. LOAN NO. 080162620

EXT.P4 TRUE COPY OF COMMUNICATION ISSUED BY THE 2ND RESPONDENT (CHIEF MANAGER, KFC), TO THE PETITIONER DATED 21.3.2005

EXT.P5 TRUE COPY OF 1ST VOUCHER DATED 23.9.2003 ISSUED BY KFC

EXT.P6 TRUE COPY OF DO.DODATED 5.11.2003 BY DO.DO

EXT.P7 TRUE COPY OF DO. DATED 13.11.2003 BY DO.DO

EXT.P8 TRUE COPY OF DO. DATED 29.11.2003 BY DO.DO

EXT.P9 TRUE COPY OF DO. DATED 17.12.2003 BY DO.

EXT.P10 TRUE COPY OF DO. DATED 31.12.2003 BY DO.DO

EXT.P11 TRUE COPY OF DO. DATED 28.2.2004 BY DO.

EXT.P12 TRUE COPY OF COMMUNICATION DATED 1.12.2004 SENT BY 2ND RESPONDENT TO THE PETITIONER.

EXT.P13 TRUE COPY OF REPRESENTATION DATED 11.12.2004 SENT BY PETITIONER TO THE 2ND RESPONDENT.

EXT.P14 TRUE COPY OF JUDGMENT IN WPC 36721/2004 (V) DATED 17.12.2004 OF THIS HON'BLE COURT.

EXT.P15 TRUE COPY OF THE JUDGMENT DATED 14.1.2005 IN W.A.NO.100 OF 2005 OF THIS HON'BLE COURT.

EXT.P16 TRUE COPY OF ORDER DATED 19.4.2005 IN I.A.NO. 1278 OF 2005 IN I.A.NO. 159 OF 2005 IN W.A.NO. 100 OF 2005 OF THIS HON'BLE COURT.

EXT.P17 TRUE COPY OF APPLICATION DATED 27.4.2005 FILED BY PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 16967 OF 2005

Dated this the 13th day of July, 2007

JUDGMENT

The prayer in the Writ Petition is for direction to respondents to grant instsalment facility. In fact this Court vide interim order dated 7.6.2005 granted instalment facility to the petitioner. Standing counsel for KFC submitted that though petitioner paid Rs. 2 lakhs, cheques given for the balance amount got dishonoured. In the circumstances petitioner is not eligible for any more instalment fcility. W.P. is accordingly dismissed leaving freedom to the respondents to proceed for recovery.

(C.N.RAMACHANDRAN NAIR)
Judge